

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ESTEBAN CARLOS LEON

v.

C.A. No. 05-332L

UNITED STATES OF AMERICA

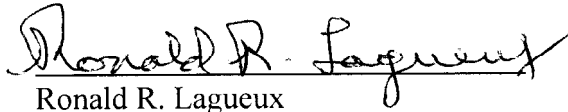
MEMORANDUM AND ORDER

Petitioner's Motion to Vacate, Set Aside and/or correct Sentence pursuant to 28 U.S.C. § 2255 hereby is denied, essentially for the reasons set forth in the Government's Objection to said Motion.

Petitioner claims ineffective assistance of counsel but has failed to even produce one iota of evidence to support such a contention. He pleaded guilty to the two Counts of the indictment charging conspiracy and attempt to possess with intent to distribute in excess of 5 kilograms of cocaine. At the plea colloquy, he admitted that the transaction involved an attempt to purchase 30 kilograms of cocaine. That triggered a mandatory minimum of 120 months of incarceration. The Guideline range in his case was 121 to 151 months of imprisonment. There was no objection to the presentence report. Petitioner's counsel, at the sentencing hearing, made a motion for downward departure, but that was an exercise in futility since the only downward departure that was remotely applicable could only give Petitioner a one month reduction down to the mandatory minimum of 120 months. The Court imposed the minimum under the Guidelines, 121 months. Counsel for Petitioner did all that he could do under the circumstances since Petitioner admitted that he and his three other cohorts were attempting to purchase 30 kilograms of cocaine.

Petitioner's attempt to denigrate the work of his counsel is to no avail. Petitioner's Motion is completely without merit and, therefore, is denied.

It is so Ordered.

A handwritten signature in black ink, reading "Ronald R. Lagueux". The signature is written in a cursive style with a horizontal line underneath the name.

Ronald R. Lagueux

Senior Judge

January 25, 2007